

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DANIEL V. NOLAN

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Plaintiff

*

vs.

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CIVIL ACTION NO. MJG-12-1587

CHARLES PAULSEN, JR.

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Defendant

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MEMORANDUM AND ORDER

The Court has before it Defendant's Motion for a More Definite Statement [Document 5]. Court finds that neither a response nor a hearing is necessary. The Complaint is so devoid of meaningful context and details as to require revision.

It is alleged that Defendant, a person who was the Safety and Training Coordinator for a County Department of Risk Management, "accessed and/or disclosed" MVA records relating to Plaintiff twice within 3 minutes. There is no allegation of any improper reason why the Defendant may have obtained such access. In view of the Defendant's county position, there may have been a proper purpose. It appears appropriate, if not necessary, for Plaintiff to allege at least one plausible improper purpose.

See Thomas v. George, Hartz etc. , 525 F. 3d 1007, 1111-14 (11th Cir. 2008).

The Complaint does not state - except in the above quoted "and/or" reference - that the Defendant disclosed to anyone whatever information was obtained. Presumably, there was some disclosure because, somehow, Plaintiff learned of the Defendant's access.

Plaintiff alleges that he "sustained damages as a result of Defendant's unauthorized access to the personal information." There is no allegation of any fact that would support this conclusory statement. Indeed, it is difficult, if not impossible, to imagine damages that would flow from Defendant's obtaining access to Plaintiff's information unless he made some disclosure to Plaintiff's detriment. Yet, there is no allegation that there was any disclosure. Nor any indication of what particular damages may have been sustained.

No purpose will be served by debating the instant motion. Plaintiff must file an Amended Complaint that places the factual allegations in a comprehensible context and presents more than conclusory statements as to matters of any improper purpose, any disclosure and any alleged damages.

For the foregoing reasons:

1. Defendant's Motion for a More Definite Statement [Document 5] is GRANTED.

2. Plaintiff shall, by August 22, 2012, file an Amended Complaint consistent herewith.

SO ORDERED, on Wednesday, August 1, 2012.

/s/ _____
Marvin J. Garbis
United States District Judge